

(1) First Account Current and Report of Conservator and Petition for its Settlement,
 (2) for Approval of Sale of Depreciating Property, (3) for Approval of Donation,
 and (4) for Allowance of Conservator's and Attorney's Compensation

| | | | | |
|-------------------------------------|----------------------|--|--|---|
| Age: 89 years | | IRENE V. SANTOS , daughter and Conservator of the Person and Estate appointed on 11/8/2012 with bond set at \$123,895.00 , is Petitioner. Account period: 12/1/2012 - 6/30/2014 Accounting - \$223,182.60 Beginning POH - \$164,620.32 Ending POH - \$ 47,101.81 (\$42,601.81 is cash) Conservator - \$13,425.00 (per Declaration attached as Exhibit B1; for 447.5 hours @ \$30.00 per hour;) Attorney - \$10,300.00 (per Declaration attached as Exhibit A1; for 41.20 hours @ \$250.00 per hour, from 9/12/2013 to 7/28/2014;) Bond - \$123,895.20 (Order After Hearing filed 8/27/2014 finds bond is reduced to \$35,000.00 ; bond is sufficient if Court approves requested fees.) <p style="text-align: center;">~Please see additional page~</p> | NEEDS/PROBLEMS/COMMENTS: Continued from 9/8/2014. The following issues from the last hearing remain: 1. Court records do not show proof of reduced bond of \$35,000.00 has been filed. <i>Clarifying and Explanatory Declaration</i> filed on 9/8/2014 states the petition to reduce bond was filed on 6/9/2014 and was granted on 8/7/2014, with the order presumably being signed on 8/27/2014. The Court requires the filing of proof of the reduced bond pursuant to Probate Code § 2329, separately from the order reducing bond, indicating that the surety, HCC/U.S. SPECIALTY INSURANCE COMPANY , has reduced the bond amount from \$123,895.20 to \$35,000.00 . This filing proof of reduced bond is standard practice required by this Court to demonstrate that the conservatorship is bonded for the specific sum, and is not paying premiums for the higher bond, but instead paying lower bond premiums for the reduced bond amount. 2. Need proposed order pursuant to Local Rule 7.1.1(F) providing that a proposed order shall be submitted with all pleadings that request relief. <p style="text-align: center;">~Please see additional page~</p> | |
| Cont. from 090814 | | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | | |
| <input checked="" type="checkbox"/> | Verified | | | |
| <input checked="" type="checkbox"/> | Inventory | | | |
| <input type="checkbox"/> | Proof of Bond | | | X |
| <input type="checkbox"/> | Not.Cred. | | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | | |
| <input checked="" type="checkbox"/> | Aff.Mail | | | |
| <input type="checkbox"/> | Aff.Pub. | | | |
| <input type="checkbox"/> | Sp.Ntc. | | | |
| <input type="checkbox"/> | Pers.Serv. | | | |
| <input type="checkbox"/> | Conf. Screen | | | |
| <input type="checkbox"/> | Letters | | | |
| <input type="checkbox"/> | Duties/Supp | | | |
| <input type="checkbox"/> | Objections | | | |
| <input type="checkbox"/> | Video Receipt | | | |
| <input type="checkbox"/> | CI Report | | | |
| <input checked="" type="checkbox"/> | 2620 | | | |
| <input type="checkbox"/> | Order | | | X |
| <input type="checkbox"/> | Aff. Posting | | | |
| <input type="checkbox"/> | Status Rpt | | | |
| <input type="checkbox"/> | UCCJEA | | | |
| <input type="checkbox"/> | Citation | | | |
| <input type="checkbox"/> | FTB Notice | | | |

Petitioner prays for an order:

1. Approving and settling the First Account;
2. Approving all acts and transactions of the Conservator relating to the conservatorship;
3. Approving and confirming the sale of the Conservatee's recreational vehicle [*appraised at \$12,500.00 and sold for \$1,000.00*] as a sale of a depreciating asset;
4. Approving and confirming the donation to the local Salvation Army of Conservatee's furniture and furnishings [*valued at \$960.00*] as a donation of depreciating assets;
5. Authorizing and directing Conservator to pay herself **\$13,425.00** as compensation for her services rendered; and
6. Authorizing directing Conservator to pay the Attorney fees of **\$10,300.00** as compensation for services rendered.

Court Investigator Dina Calvillo's Report was filed 1/6/2014 and recommends the conservatorship appears to continue to be warranted and is in the best interest of the Conservatee.

NEEDS/PROBLEMS/COMMENTS, continued: These notes include notes that were originally prepared for the last hearing held on 9/8/2014, with the declarations subsequently filed by the Petitioner noted in italics, for the Court's reference in considering the accounting as presented and supplemented. Rather than requesting an amended accounting be filed to incorporate the supplemented information, the accounting has been re-reviewed in conjunction with the subsequently filed supplemental declarations, and accordingly the accounting appears to be more complete and satisfactory in its explanations of the schedules submitted for the Court's consideration and approval. However, the proposed order that is requested to be submitted by Attorney Boyajian should include the repayments to the Conservatorship of \$195.44 and \$500.00 (as noted below.)

Notes Re Reimbursement to the Conservatorship Estate:

- *Schedule C, Disbursements* shows **\$195.44** was paid to Attorneys Tomassian, Pimentel & Shapazian on 10/16/2013 for legal consultation fees in violation of Probate Code § 2647, which provides no attorney fees may be paid from the estate of the Conservatee without prior Court order. The estate of the Conservatee is not obligated to pay attorney fees established by any engagement agreement or other contract until it has been approved by the Court. *Clarifying and Explanatory Declaration filed on 9/8/2014 states the Conservator had intentions at the time of the payment to search for and obtain a new attorney and was under the impression that her actions were furthering the objectives and goals of the estate and Conservatee; Conservator submits that she will reimburse the estate \$195.44 for such disbursement.*
- *Schedule C, Disbursements* shows **\$500.00** was paid to Attorney Thomas Boyajian on 10/16/2013, and **\$840.00** was paid to Attorney Thomas Boyajian on 2/6/2014 (totaling **\$1,340.00**) for Conservatorship legal fees in violation of Probate Code § 2647, which provides no attorney fees may be paid from the estate of the Conservatee without prior Court order. *Clarifying and Explanatory Declaration filed on 9/8/2014 states that the **\$500.00** legal fees paid to Attorney Thomas Boyajian were in fact consultation fees for 2 hours of consultation offered to the Conservator prior to his being hired and becoming attorney of record; the Conservator made payments from the conservatorship assets instead of her own personal assets; therefore, the Conservator will reimburse the estate \$500.00 for such legal consultation fees. The **\$840.00** reimbursement was erroneously phrased as conservatorship legal fees, though the disbursement was related to Court filing fees and publication fees in relation to the sale of Conservatee's home; thus disbursement does not violate Probate Code § 2647 (receipts attached as Attachment B).*

~Please see additional page~

Notes Re Questionable Expenditures: Schedule C, Disbursements shows **\$163,620.79** was spent during the one and one-half year account period (12/1/2012 to 6/30/2014) and contains the following expenditures noted for the last hearing as being questionable, such that the Conservator Court may require explanation and/or reimbursement to the Conservatorship estate:

- 4/23/2013 payment for "What is this (Conservatorship Payment)" [quote from original] in the amount of **\$833.00**. Clarifying and Explanatory Declaration filed on 9/8/2014 states this disbursement was made to pay the premium on a surety bond to suffice the requirement of bond for this conservatorship (copy of cashier's check at Attachment C.)
- 5/10/2013 payment to Golden Living for "Something" [quote from original] in the amount of **\$7,910.00**; payment on 8/14/2013 to Golden Living for "Something" [quote from original] in the amount of **\$15,820.00**. Clarifying and Explanatory Declaration filed on 9/8/2014 states the original phrased payments for "something" were intended by the drafter to go back and make the proper entry but failed prior to the filing to make the entry; both disbursements were in fact to pay the Conservatee's skilling nursing home living.
- 6/14/2013 payment of **\$21.96** and 12/23/2013 payment of **\$589.29** (totaling **\$611.25**) to Data Central Collection Bureau. Clarifying and Explanatory Declaration filed on 9/8/2014 states these payments to a collection agency for Conservatee's outstanding bills to American Ambulance and Community Medical Imaging (billing invoices and payment receipts attached as Attachment D).
- 3/24/2014 payment to Golden Living for "Conservatee's Residence Fee" in the amount of **\$44,130.00**. Clarifying and Explanatory Declaration filed on 9/8/2014 states the Conservatee was behind on her payments due to the pending sale of her home and the ability to pay the outstanding balance did not become viable until the home was sold.

Notes Re Exhibit A1-A6, Declaration of Thomas M. Boyajian, Request for Attorney Fees, which contains itemizations that include:

- Charge of **\$500.00** total solely for work on the publication in Business Journal for publishing the notice of sale of the Conservatee's real property. Clarifying and Explanatory Declaration filed on 9/8/2014 states the sale of Conservatee's home required Attorney Boyajian to spend many hours over a seven day span preparing the template going back and forth with the Business Journal trying to fix and correct errors made to the proposed template; instead of billing the estate the full amount of time spent, he only billed a nominal fee.
- Total hours of **41.20** at **\$250.00** per hour stated as the hours representing the charge of **\$10,300.00** for Attorney fees appears to be incorrect, as the calculation of hours itemized actually totals **37.55** hours representing a charge of **\$9,387.50**, resulting in an **overcharge** of **\$912.50** to the Conservatorship estate for the requested attorney fees. Clarifying and Explanatory Declaration filed on 9/8/2014 states this was a technical error and the correct hours of **37.55** are the correct total hours, and compensation is requested for a total of **\$9,387.50**. Attorney Boyajian filed on 9/30/2014 an Amendment to Clarifying and Explanatory Declaration Previously filed on 9/6/2014, which states upon review of his total hours, he would like to explain to the Court the likely cause of the technical error; initially when he drafted his attorney hours declaration his hours spent on this case exceeded 41.20 total hours; after some thought and considering the overall circumstances of the estate, he decided to take a "pay cut" and reduce the hours so it could be "fair" to the estate and better fit the circumstances of the estate; he would like to assure the Court that he has already brought down the total hours spent on this case and discounted his hours a total of 12.1 hours not billed for [itemized]; thus the original **\$10,300.00** request was fair and equitable and he requests that amount.

~Please see additional page~

Dept. 303, 9:00 a.m. Wednesday, October 8, 2014

Notes Re Depletion of Conservatorship Estate Assets:

- Paragraph 10 of the *Petition* states that "estate assets are being depleted rather rapidly due to the 24-hour, 7 day-a-week specialized skilled nursing attention the Conservatee requires to prosper. As such, the initial bond amount required by the Court was set on the rather high value of the estate at that time. Currently, the estate value is worth much less." Noted for or the Court's reference is *Schedule C, Disbursements* showing itemizations for skilled nursing home payments of ~\$87,697.31 during this account period of the \$163,620.79 total expenditures. **Clarifying and Explanatory Declaration filed on 9/8/2014** states that as presented in *Schedule C, Disbursements*, the total amount of expenditures spent on the needed specialized nursing facilities to house the Conservatee and provide needed attention equates to a whopping \$129,177.83 for this accounting period; herein lies where the majority of estate funds are being spent; there is not alternative to the extinguishment of estate assets because the Conservatee will continue to require such specialized nursing housing for which the price is extremely high; Conservator has attempted and applied on different occasions for government entitlements to step in and pick up the tab, but Conservatee's assets cause her not to qualify for such entitlements; as the Conservatorship estate assets are lessened, the Conservatee will in turn start to qualify for government entitlements which will then pick up the tab.
- More specifically informing the Court regarding depletion of assets is the **Petition to Reduce Amount of Bond filed 6/9/2014**, stating that "the bond in the amount of \$123,895.20 based on the value of the estate as of 6/1/2014 is excessive; the estate has been reduced significantly because: (1) The Conservatee has needed homecare at the cost of \$2,000.00 per month for a year; (2) For the past year and a half the Conservatee has lived in an assisted living facility center with the average monthly cost of \$7,500.00; (3) There have been expenses of \$10,000.00 to pay off the encumbrance on the 1993 Fleetwood RV, and various other estate related expenses." The following observations are provided to assist the Court in determining the reasonableness of having paid off the 1993 RV, which Paragraph 7 of the *Petition* and the *Schedule D, Losses on Sales/Donations* state was sold for \$1,000.00, resulting in a loss on sale of \$11,500.00, and for which the Conservator requests confirmation and approval of the sale as depreciating property:
 - It is unclear the basis upon which the Conservator chose to use \$10,000.00 of Conservatee's assets to pay off the encumbrance on the **1993 RV** which Conservatee could not use and which was valued on the *Inventory and Appraisal* at \$12,500.00 as of 11/8/2012. The instant *Petition* states the 1993 RV was sold for \$1,000.00; it appears that this expenditure was not a frugal use of Conservatee's limited estate funds. Based upon the large disbursements and amounts requested for Conservator's and Attorney fees, it appears that the Conservator and/or her Attorney are spending down the Conservatee's assets, but provide no reasonable explanation to justify the significant expenditures from the Conservatorship estate.

Clarifying and Explanatory Declaration filed on 9/8/2014 states the 1993 Fleetwood RV was reappraised at the request of the Conservator because the prior appraisal filed with the Court on 3/7/2013 grossly overstated the value of the 1993 Fleetwood RV at \$12,500.00 and failed to account for all of the non-usable aspects and damage to the RV; [Reappraisal for Sale was filed on 9/8/2014] and was completed on 1/29/2014 by Probate Referee Rick P. Smith, with the new appraised value of the 1993 Fleetwood RV being \$1,000.00; the loss on sale mentioned in the accounting is superficial because the accounting used the original appraised value of the RV at \$12,500.00, when in fact the RV was not worth [that amount] and reappraised at \$1,000.00; the Conservator's rationale for selling the RV was because (1) The cost of repair to the RV was extremely high and not efficient for the estate; (2) The Conservatee is physically not able to use the RV anymore; and (3) The Conservator was starting to foresee storage fees being accrued against the estate for something not worth paying due to the reappraised value of the RV, thus the Conservator's acts were in line with promoting and preserving the estate; she was prudent and frugal in this aspect.

Attorney Boyajian filed on 9/30/2014 an Amendment to Clarifying and Explanatory Declaration Previously filed on 9/6/2014, which states that upon review of the issue regarding the unverified encumbrance relating to the Conservatee's RV, it was brought to his attention by the Conservator that the encumbrance was for an outstanding loan balance to Bank of America and said encumbrance was completely paid off by the Conservatee long before the inception of the Conservatorship; this the encumbrance did exist but it is moot in regards to the Conservatorship accounting; for purposes of the Conservatorship accounting and the new appraised value of the recreational vehicle set at \$1,000.00, the \$10,000.00 encumbrance should have absolutely no bearing on the accounting or on the question of whether the Conservator made the right decision in selling the RV.

Note Re Conservator's Commissions: Exhibit B1 entitled Declaration of Irene V. Santos, Request for Compensation contains the following itemizations set forth here as examples for the Court's consideration of the charges totaling **\$13,425.00** requested by the Conservator be paid from the estate for services including the sale of Conservatee's real property, visits to the care facility where her mother lives, marshalling assets, paying all bills promptly, managing the estate frugally, and "to compensate her for the time she missed work to attend court hearings amongst other things:"

- **12/1/2011 through 12/17/2012**, charge of **96** hours @ **\$30.00** per hour totaling **\$2,880.00**, for paying bills, driving to locations to pay bills, phone calls for medical appointments, shopping for Conservatee;
- **12/1/2011 through 6/15/2012** [dates **overlap** the dates noted above], charge of **120** hours @ **\$30.00** per hour totaling **\$3,600.00**, for hiring caregiver to assist Conservatee, checking in on Conservatee weekly to make sure groceries were bought and home was cleaned and to pay the caregiver;
- **1/1/2012 through 8/1/2012**, charge of **81** hours @ **\$30.00** per hour totaling **\$2,430.00**, for taking Conservatee to **18** doctor appointments both picking up and returning her home;
- **2/1/2013 through 6/1/2013**, charge of **9** hours @ **\$30.00** per hour totaling **\$270.00**, for meeting with Conservatee's health care facilities case workers, nurses and C&A regarding her medications, physical needs and any issues she had with the facility and her care.

Local Rule 7.16(A) provides that attorney fees and conservator commissions in conservatorship matters are awarded based upon what is just and reasonable. The Court's determination must be based upon the justness and reasonableness of the amount of the request in relation to the total value of the conservatorship estate. Here, the ending property on hand is stated on Schedule E, Assets on Hand as of June 30, 2014 as **\$47,101.81**, of which **\$42,601.81** is cash. Deduction of requested Conservator's commissions and Attorney fees would leave a balance remaining of **~\$18,876.81**, which will be inevitably less as of the current date.

Attorney Boyajian filed on 9/30/2014 an Amendment to Clarifying and Explanatory Declaration Previously filed on 9/6/2014, which states Petitioner is submitting a mileage log that Conservator kept track of between 1/3/2012 through 5/30/2014 showing in detail the Conservator's activities in relation to the Conservatorship; please refer to Attachment A showing Conservator expended 1,064 miles through this period, and highlights the many occasions Conservator was not at her normal job due to carrying out her responsibilities as Conservator.

Note: If Petition is granted, Court will set status hearings as follows:

- **Wednesday Thursday November 6, 2014 at 9:00 a.m. in Dept. 303** for filing proof of reduced bond; and
- **Monday, August 10, 2015 at 9:00 a.m. in Dept. 303** for filing of the second account.

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

Dept. 303, 9:00 a.m. Wednesday, October 8, 2014

| | | | | |
|---------------------------|---------------|--|--|----|
| | | <p>BRYAN JENSEN was appointed conservator on 4/1/2009.</p> <p>Court Investigator JENNIFER DANIEL filed a Petition for Transfer on 6/25/14 requesting this proceeding be transferred to Los Angeles County because the conservatee has resided there since 11/12/2010, and it is presumed pursuant to Probate Code §2215 that transfer of the conservatorship case to the county of residence is in the best interests of the conservatee.</p> <p>Court Investigator further recommends that the fees and costs related to this transfer be waived.</p> <p>Objections to Transfer of Proceedings filed on 9/2/14. Bryan Jensen objects to the transfer of the proceedings to Los Angeles County. Mr. Jensen states he lives and works in Santa Barbara. He is required to file accountings every two years. Transfer of the proceedings to Santa Barbara County would have no detrimental effect on the conservatee.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>A Petition for Transfer of Proceedings to Santa Barbara County was filed by Bryan Jensen and is on page 2B.</p> <p>Note: If the petition is granted a status hearing will be set on Wednesday, November 19, 2014 for the confirmation of receipt of transfer.</p> | |
| Cont. from 072914, 090314 | | | | |
| | Aff.Sub.Wit. | | | |
| ✓ | Verified | | | |
| | Inventory | | | |
| | PTC | | | |
| | Not.Cred. | | | |
| ✓ | Notice of Hrg | | | |
| ✓ | Aff.Mail | | | W/ |
| | Aff.Pub. | | | |
| | Sp.Ntc. | | | |
| | Pers.Serv. | | | |
| | Conf. Screen | | | |
| | Letters | | | |
| | Duties/Supp | | | |
| | Objections | | | |
| | Video Receipt | | | |
| | CI Report | | | |
| | 9202 | | | |
| ✓ | Order | | | |
| | Aff. Posting | | | |
| | Status Rpt | | | |
| | UCCJEA | | | |
| | Citation | | | |
| | FTB Notice | | | |
| | | <p>Reviewed by: KT</p> <p>Reviewed on: 10/6/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2A – Jensen</p> | | |

Petition for Transfer of Proceedings to Santa Barbara County, California and

Objection to Transfer of Proceedings to Los Angeles County

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|------------|---------------|--|--|
| | | BRYAN JENSEN , conservator of the person and estate, is petitioner. | NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on: a. Debra Jensen (conservatee) b. Darren Jensen (son) c. Bertha Sherbon (mother) d. Linda L. Silveira (sister) e. Virginia Hanson (sister) 3. Need Order. <u>Note:</u> If Petition is granted petitioner will need to pay the transfer fee of \$50.00 to Fresno Superior Court and also provide a check for \$435.00 payable to Santa Barbara Superior Court or a fee waiver for their filing fee. Probate Code 2216(b). <u>Note:</u> If the petition is granted a status hearing will be set on Wednesday, November 19, 2014 for the confirmation of receipt of transfer. <div>Reviewed by: KT</div> <div>Reviewed on: 10/6/14</div> <div>Updates:</div> <div>Recommendation:</div> <div>File 2B - Jensen</div> |
| | | BRYAN JENSEN was appointed conservator on 4/1/2009. | |
| Cont. from | | Petitioner states the Conservatee, a widow, resides in Clearview Alzheimer's Care Facility located in Los Angeles County. | |
| | Aff.Sub.Wit. | | |
| ✓ | Verified | | |
| | Inventory | The Conservator resides in Santa Barbara County. | |
| | PTC | | |
| | Not.Cred. | | |
| | Notice of Hrg | X Court Investigator, Jennifer Daniel, petitioned the court to transfer the proceedings to Los Angeles County. | |
| | Aff.Mail | X Petitioner is petitioning to transfer the proceedings to Santa Barbara County for the following reasons: | |
| | Aff.Pub. | | |
| | Sp.Ntc. | | |
| | Pers.Serv. | | |
| | Conf. Screen | a. The conservatee has dementia and other related problems which means she is unaware of where she resides and has no knowledge of the court jurisdiction of her conservatorship. | |
| | Letters | | |
| | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | b. The conservator is employed as a Sargent for the Santa Barbara Police Department. Conservator is the person responsible for all conservatorship matters and for any necessary court appearances. In the event a court appearance in Los Angeles became necessary, there would be additional costs to the conservatorship in that the conservator would be required to take extra time off work. | |
| | CI Report | | |
| | 9202 | | |
| | Order | X c. Transfer of the conservatorship to Santa Barbara County would have no detrimental effect on the conservatee. | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | | |
| | FTB Notice | <p>Wherefore, Petitioner prays that the petition for transfer of the conservatorship to Los Angeles County be denied and this conservatorship be transferred to the Superior Court of Santa Barbara.</p> | |

Atty Roberts, Gregory J., of Barrus and Roberts (for Petitioner Louis McPhederain, Conservator)
Status Hearing Re: Blocked Account

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|---|---|--|
| Age: 85 years | <p>LOUIS MCPHEDERAIN, Grandson, was appointed Conservator of the Person and Estate on 8/24/2010.</p> <p>Ex Parte Petition for Withdrawal of Funds from Blocked Account filed 8/11/2014 requested \$200,000.00 be withdrawn from the Conservatorship estate blocked account to be deposited into a blocked savings account (which withdrawal would bring the total deposited funds within FDIC limits.)</p> <p>Order for Withdrawal of Funds from Blocked Account filed 8/12/2014 orders the withdrawal of the \$200,000.00 and the deposit into the blocked savings account, with receipt to be filed with the Court.</p> <p>Minute Order dated 7/23/2014 from the hearing on the <i>Second Account and Report of Conservator</i> set the matter for status hearing on 9/10/2014 for filing of the receipt of funds deposited into the blocked account.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR</p> <p><i>Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account</i> was filed 10/3/2014.</p> |
| Cont. from 091014 | | |
| Aff.Sub.Wit. | | |
| Verified | | |
| Inventory | | |
| ✓ Blocked Rcpt | | |
| Not.Cred. | | |
| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| <p>Reviewed by: LEG</p> <p>Reviewed on: 10/6/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 - Dix</p> | | |

First and Final Report of Executor and Petition for Its Settlement, for Attorneys' Statutory Fees, and for Final Distribution of Estate Under Will on Waiver of Accounting (Probate Code 11600, et seq)

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|-------------------------------------|-------------------------|---|--|
| DOD: 01/08/14 | | MART B. OLLER, IV, Executor, is Petitioner. | NEEDS/PROBLEMS/COMMENTS: Note: Examiner has interlineated the Order to reflect the dollar amount to be distributed to each beneficiary. |
| | | Accounting is waived. | |
| Cont. from | | I & A - \$249,555.61 | |
| <input type="checkbox"/> | Aff.Sub.Wit. | POH - \$200,693.00 | |
| <input checked="" type="checkbox"/> | Verified | Executor - waived | |
| <input checked="" type="checkbox"/> | Inventory | Executor Costs- \$561.50 (filing fees and certified copies) | |
| <input checked="" type="checkbox"/> | PTC | Attorney - \$7,991.11 (statutory)(Petition states that the attorney intends to take less than the statutory fee) | |
| <input checked="" type="checkbox"/> | Not.Cred. | Attorney Costs- \$832.00 (filing fees, publication, certified copies) | |
| <input checked="" type="checkbox"/> | Notice of Hrg | Closing - \$2,000.00 | |
| <input checked="" type="checkbox"/> | Aff.Mail w/ | Distribution, pursuant to decedent's estate, is to: | |
| | Aff.Pub. | Mart B. Oller, IV - \$94,654.19 | |
| | Sp.Ntc. | Lisa Ann Coelho - \$94,654.20 | |
| | Pers.Serv. | | |
| | Conf. Screen | | |
| | Letters 05/22/14 | | |
| | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| | CI Report | | |
| <input checked="" type="checkbox"/> | 9202 | | |
| <input checked="" type="checkbox"/> | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | | |
| <input checked="" type="checkbox"/> | FTB Notice | | |
| | | | Reviewed by: JF |
| | | | Reviewed on: 10/03/14 |
| | | | Updates: |
| | | | Recommendation: SUBMITTED |
| | | | File 4 - Oller |

1) First and Final Report of Co-Executors on Waiver of Account and (2) Petition for Allowance of Compensation to Attorneys for Ordinary Services and (3) for Final Distribution

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|-------------------------------------|----------------------|---|--|--|
| DOD: 2/3/14 | | JEFFREY P. WEIGANT and SANDRA WEIGANT COWPERTHWAITE , Executors, are petitioners. | | NEEDS/PROBLEMS/COMMENTS: 1. It appears the real property of the estate was sold. Need change in asset schedule. California Rules of Court 7.550(b)(3). 2. Need declaration pursuant to Local Rule 7.12.5 which states if property is to be distributed to a pre-existing trust, the current trustee must file a declaration stating forth the name of the trust, its establishment date, taxpayer ID number, verifying that the trust is still in full force and effect and the trustee has an executed copy of the trust in possession. 3. Petition and order fail to deduct the attorney fees and costs from the cash on hand. Need revised order. |
| | | Accounting is waived. | | |
| Cont. from | | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | I & A | - \$235,000.00 | |
| <input checked="" type="checkbox"/> | Verified | POH | - \$221,265.33 | |
| <input type="checkbox"/> | Inventory | Executors | - waive | |
| <input type="checkbox"/> | PTC | | | |
| <input type="checkbox"/> | Not.Cred. | | | |
| <input type="checkbox"/> | Notice of Hrg | N/A | Attorney (statutory) - \$7,700.00 | |
| <input type="checkbox"/> | Aff.Mail | Costs | - \$1,500.50 | |
| <input type="checkbox"/> | Aff.Pub. | (filing fees, probate referee, publication, certified copies) | | |
| <input type="checkbox"/> | Sp.Ntc. | | | |
| <input type="checkbox"/> | Pers.Serv. | | | |
| <input type="checkbox"/> | Conf. Screen | Distribution of property on hand, consisting of \$216,265.33 and miscellaneous household furnishings, is to: | | |
| <input checked="" type="checkbox"/> | Letters | 5/9/14 | Jeffrey P. Weigant and Sandra Weigant Cowperthwaite, as Trustees of the Dorothy L. Weigant Family Trust. | |
| <input type="checkbox"/> | Duties/Supp | | | |
| <input type="checkbox"/> | Objections | | | |
| <input type="checkbox"/> | Video Receipt | | | |
| <input type="checkbox"/> | CI Report | | | |
| <input checked="" type="checkbox"/> | 9202 | | | |
| <input checked="" type="checkbox"/> | Order | | | |
| <input type="checkbox"/> | Aff. Posting | | | |
| <input type="checkbox"/> | Status Rpt | | | |
| <input type="checkbox"/> | UCCJEA | | | |
| <input type="checkbox"/> | Citation | | | |
| <input checked="" type="checkbox"/> | FTB Notice | | | |

| |
|-----------------------------|
| Reviewed by: KT |
| Reviewed on: 10/7/14 |
| Updates: |
| Recommendation: |
| File 5 - Weigant |

Atty Renge, Lawson K., sole practitioner (for Petitioner Charles L. Robinson)

First Amended Petition for Probate of Lost Will; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

| | | | |
|---------------------------------|----------------------|---|---|
| DOD: 2/19/2014 | | CHARLES (CHAD) L. ROBINSON , son, is Petitioner and requests appointment as Administrator without bond. | NEEDS/PROBLEMS/COMMENTS: <u>Continued from 8/13/2014.</u> Note: Probate Code § 6124 provides if the testator's will was last in the testator's possession, the testator was competent until death, and neither the will nor a duplicate original of the will can be found after the testator's death, it is presumed that the testator destroyed the will with intent to revoke it. This presumption is a presumption affecting the burden of producing evidence. Probate Code § 8223 provides a petition for probate of a lost or destroyed will shall include a written statement of the testamentary words or their substance. If the will is proved, the provisions of the will shall be set forth in the order admitting the will to probate. ~Please see additional page~ |
| | | | |
| | | Full IAEA — OK | |
| Cont. from 062414 081314 | | Lost Will dated— April 1987 [exact date not specified] | |
| | Aff.Sub.Wit. | | |
| ✓ | Verified | | |
| | Inventory | Residence — Clovis | |
| | PTC | Publication — Business Journal | |
| | Not.Cred. | Estimated value of the Estate: | |
| ✓ | Notice of Hrg | Personal property \$170,000.00 | |
| ✓ | Aff.Mail | Total \$170,000.00 | |
| | | W / | |
| ✓ | Aff.Pub. | Probate Referee: Steven Diebert | |
| | Sp.Ntc. | Petitioner states: | |
| | Pers.Serv. | <ul style="list-style-type: none"> When he first filed the <i>Petition</i> in this action on 5/9/2014, the <i>Petition</i> requested administration of Decedent's estate, reserving the right to submit wills of Decedent, if any, as discovered; Since the first hearing of this matter on 6/24/2014, he has made further search for the Will of Decedent; to date, he has not been able to find her Will; However, he has personal knowledge that Decedent did make a Will on or about April 1987; the Will was prepared by Lawson K. Renge, Attorney at Law; He assisted Decedent with her personal and business affairs and is familiar with the contents of the Will, which was a "simple will" which provided that all of Decedent's property, both real and personal, was to be given to him, Charles L. Robinson, and his sister DONNA McBEE, in equal shares (Donna predeceased the Decedent on 9/22/2010); | |
| | Conf. Screen | ~Please see additional page~ | |
| ✓ | Letters | | |
| ✓ | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| | CI Report | | |
| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | | |
| ✓ | FTB Notice | | |
| | | Reviewed by: LEG | |
| | | Reviewed on: 10/6/14 | |
| | | Updates: | |
| | | Recommendation: | |
| | | File 6 - Robinson | |

Petitioner states, continued:

- The Will further provided that in the event that if he or Donna McBee predeceased Decedent, that predeceased child's share would be distributed to the surviving child, not to the descendants of the predeceased child;
- Also, the Will provided that he was to act as executor of the Will without bond;
- Finally, the Will was witnessed by two witnesses, one of whom was Lawson K. Renge, Attorney, who prepared the Will;
- He recalls seeing his mother's (Decedent's) Will on 8/20/2012, at her home located at Pamona Road in Firebaugh; the reason for his recollection is as follows:
 - His mother wanted a power of attorney property, giving him the power to act as her agent;
 - Her attorney, Lawson K. Renge, came to her house on 8/20/2012 for execution of the power of attorney which gave him the power to act as her agent;
 - Attorney Renge discussed her estate which included whether she wanted to change her Will in any way; when this discussion was held, his sister, Donna McBee, had previously predeceased his mother on 9/22/2010;
 - He was present when Attorney Renge asked his mother if she wanted to change her original Will because of the death of his sister;
 - His mother did not want to change her Will because according to its provisions, he was to receive all of her property because his sister had predeceased him;
 - His mother did not want to give her property to any other person at this meeting;
 - Because the Will provided that he receive all of his mother's property – his sister having predeceased him – his mother stated that she did not want her Will to be changed;
 - After executing the power of attorney, her attorney left the residence without changing the Will.
- If this estate were to be distributed according to the laws of intestate succession, the following individuals are potential beneficiaries:
 1. **PORTLIN PANGBURN**, daughter of Donna McBee;
 2. **ERIC SCOTT PANGBURN**, son of Donna McBee;
 3. **MICHAEL SCOTT PANGBURN**, grandson of Donna McBee;
 4. **BLAKE DELL SCOTT PANGBURN**, great grandson of Donna McBee.
- He took care of his mother's personal and financial business until her death on 2/19/2014;
- She never told him that she wanted to change her Will or give her property to any other person during this time;
- She never had any other attorney other than Lawson K. Renge to the best of his knowledge.

NEEDS/PROBLEMS/COMMENTS, continued:

1. It appears Petitioner is unable to find and submit as part of the instant *Petition* a photocopy of Decedent's Will for the Court to consider as a "written statement of the testamentary words or their substance". Therefore, need **verified** declaration from **Attorney Lawson K. Renge** that describes the provisions of the Decedent's Will and provides the specific date of execution of the Will (if possible), as well as describes the circumstances set forth in the *Declaration of Charles L. Robinson* attached to the *Petition*, pursuant to Probate Code § 8224 for the Court's consideration in this proceeding concerning the execution and provisions of the Decedent's lost Will.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS, continued:

2. If the lost Will of Decedent is **not** proved to the Court's satisfaction, need waivers of bond from all persons entitled to distribution under intestate succession Pursuant to Probate Code §§ 6402 and 240, or bond posted of **\$170,000.00**.
3. Need revised proposed order and letters that coincide with the instant *Amended Petition for Probate of Lost Will*, pursuant to Probate Code § 8223 which requires the provisions of the lost will to be contained in the order (i.e., provisions of the lost will specified in the proposed order with a signature line included on the page containing the provisions of the lost will for the Court's approval. *(Note: formerly submitted proposed order and letters are marked for intestate administration rather than for a lost will.)*

Petition for Appointment of Conservatorship of the Person and Estate

| | | | | | |
|-------------------------------------|----------------------|---|-----------|--|--|
| Age: 90 years | | <u>TEMPORARY EXPIRES 10/8/14</u> | | NEEDS/PROBLEMS/COMMENTS: | |
| | | PUBLIC GUARDIAN is petitioner and requests appointment as conservator of the person and estate with medical consent powers and dementia powers to allow the administration of dementia medications. | | Court Investigator advised rights on 9/25/14. | |
| Cont. from | | | | 1. Petition does not include the name an address of conservatee's grandson Steve Swope. | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | | 2. Need proof of service of the Notice of Hearing along with a copy of the Petition on grandson, Steve Swope. | |
| <input checked="" type="checkbox"/> | Verified | Petitioner further requests that all Powers of Attorney for health care or finances be revoked. | | | |
| <input type="checkbox"/> | Inventory | | | | |
| <input type="checkbox"/> | PTC | | | | |
| <input type="checkbox"/> | Not.Cred. | Declaration of Ronald L. Kleyn M.D. 8/2/14. | | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | Estimated value of the estate: | | Note: If the petition is granted, status hearings will be set as follows: | |
| <input checked="" type="checkbox"/> | Aff.Mail | <input type="checkbox"/> | W/ | | |
| <input type="checkbox"/> | Aff.Pub. | | | <ul style="list-style-type: none"> Wednesday, February 11 2015 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Wednesday, December 9, 2015 at 9:00 a.m. in Department 303, for the filing of the first account. | |
| <input type="checkbox"/> | Sp.Ntc. | | | Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required. | |
| <input type="checkbox"/> | Pers.Serv. | Petitioner states conservatorship is needed to ensure that the proposed conservatee gets to her medical appointments and that she has care in her home. Conservatorship of the estate is necessary to avoid any further misappropriation of her money. | | | |
| <input checked="" type="checkbox"/> | Conf. Screen | | | | |
| <input checked="" type="checkbox"/> | Letters | | | | |
| <input type="checkbox"/> | Duties/Supp | | | | |
| <input type="checkbox"/> | Objections | Court Investigator Jennifer Daniel's Report filed on 9/30/14. | | | |
| <input type="checkbox"/> | Video Receipt | | | | |
| <input type="checkbox"/> | CI Report | | | | |
| <input type="checkbox"/> | 9202 | | | | |
| <input checked="" type="checkbox"/> | Order | | | | |
| <input type="checkbox"/> | Aff. Posting | | | Reviewed by: KT | |
| <input type="checkbox"/> | Status Rpt | | | Reviewed on: 10/6/14 | |
| <input type="checkbox"/> | UCCJEA | | | Updates: | |
| <input checked="" type="checkbox"/> | Citation | <input type="checkbox"/> | W/ | Recommendation: | |
| <input type="checkbox"/> | FTB Notice | | | File 7 - Posey | |

Atty Cardot, John M., of Coleman & Horowitz (for Petitioner Jean N. Allred)

Verified Petition to Terminate Trusts, Waive Accounting, and Approve Attorney Fees

| | | | | |
|-------------------------------------|---------------|---|--|----|
| R. Forrest Allred DOD: 6/2/2013 | | <p>JEAN N. ALLRED, surviving Trustmaker and sole Trustee of the ALLRED MARITAL TRUST and the ALLRED SURVIVOR'S TRUST created under the ALLRED FAMILY TRUST OF 1989, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> R. FORREST ALLRED and Petitioner were the Trustmakers and initial Trustees of the Trust, and as amended 9/29/2000 (copy of trust attached as Exhibit A); Petitioner became the sole Trustee of the Initial ALLRED FAMILY TRUST OF 1989 ("Initial Trust") pursuant to Trust terms; Upon the death of Mr. Allred, the Trust terms provided for division of the Initial Trust into 3 separate trusts: ALLRED MARITAL TRUST, the ALLRED SURVIVOR'S TRUST, and the ALLRED FAMILY TRUST; At the time of Mr. Allred's death, there were insufficient assets in the Initial Trust to fully fund the Marital Trust pursuant to Trust terms; therefore, the Family Trust was neither created nor funded pursuant to the Trust terms; Accordingly, ½ of the assets of the Initial Trust funded the Marital Trust and the other ½ of the assets funded the Survivor's Trust; Pursuant to trust terms, upon the death of Mr. Allred, both the Marital Trust and Survivor's Trust became irrevocable; As the surviving Trustmaker, Petitioner is the sole income and principal beneficiary of the Survivor's Trust pursuant to Trust terms; <p align="center">~Please see additional page~</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> | |
| Cont. from | | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | | |
| <input checked="" type="checkbox"/> | Verified | | | |
| <input type="checkbox"/> | Inventory | | | |
| <input type="checkbox"/> | PTC | | | |
| <input type="checkbox"/> | Not.Cred. | | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | | |
| <input checked="" type="checkbox"/> | Aff.Mail | | | W/ |
| <input type="checkbox"/> | Aff.Pub. | | | |
| <input type="checkbox"/> | Sp.Ntc. | | | |
| <input type="checkbox"/> | Pers.Serv. | | | |
| <input type="checkbox"/> | Conf. Screen | | | |
| <input type="checkbox"/> | Letters | | | |
| <input type="checkbox"/> | Duties/Supp | | | |
| <input type="checkbox"/> | Objections | | | |
| <input type="checkbox"/> | Video Receipt | | | |
| <input type="checkbox"/> | CI Report | | | |
| <input type="checkbox"/> | 9202 | | | |
| <input checked="" type="checkbox"/> | Order | | | |
| <input type="checkbox"/> | Aff. Posting | | | |
| <input type="checkbox"/> | Status Rpt | | | |
| <input type="checkbox"/> | UCCJEA | | | |
| <input type="checkbox"/> | Citation | | | |
| <input type="checkbox"/> | FTB Notice | | | |
| | | Reviewed by: LEG | | |
| | | Reviewed on: 10/6/14 | | |
| | | Updates: | | |
| | | Recommendation: | | |
| | | File 8 - Allred | | |

Petitioner states, continued:

- Specifically, the Trustee may distribute as much of the principal of the Survivor's Trust to the surviving Trustmaker as is necessary for the surviving Trustmakers education, health, maintenance and support;
- As the surviving Trustmaker, Petitioner is also the sole income and principal beneficiary of the Marital Trust; specifically, after exhaustion of the Survivor's Trust, the Trustee may distribute as much of the principal of the Survivor's Trust to the surviving Trustmaker as is necessary for the surviving Trustmaker's education, health, maintenance and support;
- Per Trust terms, upon Petitioner's death, the remainders of the Survivor's Trust and Marital Trust are to be distributed to be following 5 contingent beneficiaries: **GARY LOWELL ALLRED, KELLY DEAN ALLRED, RICHARD ALLEN ALLRED, MARK JEFFREY ALLRED, and LAUREL JEAN LEE;**
- As of 6/30/2014, the value of the Survivor's Trust and Marital Trust assets was **~\$362,337.90**; thus the Survivor's Trust and Marital Trust each have an approximate value of **\$181,168.95**;
- As of the date of this Petition, the Survivor's Trust and Marital Trust each had no liabilities but the Petitioner expects to incur the following expenses in connection with terminating the Survivor's Trust and Marital Trust and distributing assets: **\$5,500.00** total for termination and petition work (\$3,000.00 to Coleman & Horowitz) and final tax return (\$2,500.00 to CPA);
- Petitioner desires to terminate both the Survivor's Trust and Marital Trust because (1) the Survivor's Trust and Marital Trust have so little in assets; (2) Petitioner resides in the main asset of the Survivor's Trust and Marital Trust (the Rall house), which therefore does not generate any income; and (3) what little liquid assets the Survivor's Trust and Marital Trust do hold are needed for Petitioner's health, maintenance and support; and (4) to avoid the administrative burden associated with the administration of the Survivor's Trust and Marital Trust;
- Each of the contingent beneficiaries also desire to terminate the Survivor's Trust and Marital Trust and have signed written consents to that end, along with the Petitioner (*consents attached as Exhibit B consenting to termination of the Survivor's Trust and Marital Trust*);
- No provision contained in the Trust Agreement or factual circumstance known to Petitioner would indicate that the continuance of the Survivor's Trust and/or Marital Trust is necessary to carry out a material purpose of either trust, or that the purpose of the Survivor's Trust and Marital Trust would outweigh its termination;
- Termination of the Survivor's Trust and Marital Trust is permitted by Probate Code § 15403(a) as all contingent beneficiaries have consented to termination, and by Probate Code § 15403(b) as the reason for termination of little assets and substantial administrative burden outweighs the interest in accomplishing a material purpose of those trusts;
- Petitioner and each of the contingent beneficiaries have waived any accounting of the income and expenses of the Survivor's Trust and Marital Trust, in writing by execution of consents, and therefore no accounting is required by Petitioner under Probate Code § 16064.

~Please see additional page~

Petitioner requests that:

1. No accounting of the income and expenses of either of the Survivor's Trust or Marital Trust be required of the Petitioner under Probate Code § 16064;
2. The Court terminate both the Survivor's Trust and Marital Trust pursuant to Probate Code § 15403;
3. The Court approve the payment of the **\$5,500.00** termination expenses, including attorney's fees and costs (termination and petition work @ \$3,000.00 to Coleman & Horowitz; and final tax return work @ \$2,500.00 to CPA);
4. The Court order all of the assets in the Survivor's Trust and Marital Trust, after payment of termination expenses, be distributed to Petitioner;
5. The Court discharge the Petitioner in her capacity as Trustee of the Survivor's Trust and Marital Trust on payment of the termination expenses, distribution of the assets of the Survivor's Trust and Marital Trust to the beneficiary, and the filing of final tax returns for the Survivor's Trust and Marital Trust;
6. All acts of Petitioner as Trustee of the Survivor's Trust and Marital Trust are ratified and approved; and
7. Petitioner, as Trustee of the Survivor's Trust and Marital Trust be authorized and directed to take any other action reasonably necessary to accomplish the termination of the Trusts and distribution of Trust assets.

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

| | | | |
|-------------------------------------|----------------------|--|---|
| DOD: 06/24/2014 | | MARIA INES GONZALEZ , wife of nephew in law, is petitioner and requests appointment as Administrator with bond set at \$100,000.00. Full IAEA – o.k. Decedent died intestate Residence: Parlier Publication: The Business Journal <u>Estimated value of the Estate:</u> Real Property - \$100,000.00 Less encumbrances -\$91,000.00 Total - \$9,000.00 Probate Referee: Rick Smith | NEEDS/PROBLEMS/COMMENTS: <u>Note: If the petition is granted status hearings will be set as follows:</u> • Wednesday, 11/12/2014 at 9:00a.m. in Dept. 303 for the filing of the bond <u>and</u> Wednesday, 02/11/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Wednesday, 12/09/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required. |
| | | | |
| | | | |
| Cont. from | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> | Verified | | |
| <input type="checkbox"/> | Inventory | | |
| <input type="checkbox"/> | PTC | | |
| <input type="checkbox"/> | Not.Cred. | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | |
| <input checked="" type="checkbox"/> | Aff.Mail w/ | | |
| <input checked="" type="checkbox"/> | Aff.Pub. | | |
| <input type="checkbox"/> | Sp.Ntc. | | |
| <input type="checkbox"/> | Pers.Serv. | | |
| <input type="checkbox"/> | Conf. Screen | | |
| <input checked="" type="checkbox"/> | Letters | | |
| <input checked="" type="checkbox"/> | Duties/Supp | | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | |
| <input type="checkbox"/> | CI Report | | |
| <input type="checkbox"/> | 9202 | | |
| <input checked="" type="checkbox"/> | Order | | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |
| | | Reviewed by: LV Reviewed on: 10/06/2014 Updates: Recommendation: Submitted File 9 - Rocha | |

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

| | | | | | | | | | | | | |
|--|-----|--|---------------------|---|------------|---------------|---|--------------|--------------|---|---------------------|---|
| DOD: 03/24/2014 | | <p>PAMELA WEBB, is petitioner and requests appointment as Administrator with Will Annexed without bond.</p> <p>All heirs waive bond.</p> <p>Full IAEA – o.k.</p> <p>Will dated: 03/12/2013</p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated value of the Estate:</p> <table> <tr> <td>Personal property</td> <td>-</td> <td>\$1,500.00</td> </tr> <tr> <td>Real property</td> <td>-</td> <td>\$148,000.00</td> </tr> <tr> <td>Total</td> <td>-</td> <td>\$149,500.00</td> </tr> </table> <p>Probate Referee: Steven Diebert</p> | Personal property | - | \$1,500.00 | Real property | - | \$148,000.00 | Total | - | \$149,500.00 | <p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> #5a(3) or #5a(4) was not answered regarding a registered domestic partner. #8 of the Petition states the petitioner is the Wife of the decedent however at #3f(2)(c) it states she is the daughter. Need clarification. Need Order. <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, 02/11/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> Wednesday, 12/09/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p> |
| Personal property | - | | \$1,500.00 | | | | | | | | | |
| Real property | - | | \$148,000.00 | | | | | | | | | |
| Total | - | | \$149,500.00 | | | | | | | | | |
| Cont. from | | | | | | | | | | | | |
| <input type="checkbox"/> Aff.Sub.Wit. | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Verified | | | | | | | | | | | | |
| <input type="checkbox"/> Inventory | | | | | | | | | | | | |
| <input type="checkbox"/> PTC | | | | | | | | | | | | |
| <input type="checkbox"/> Not.Cred. | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Notice of Hrg | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Aff.Mail | w/o | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Aff.Pub. | | | | | | | | | | | | |
| <input type="checkbox"/> Sp.Ntc. | | | | | | | | | | | | |
| <input type="checkbox"/> Pers.Serv. | | | | | | | | | | | | |
| <input type="checkbox"/> Conf. Screen | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Letters | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Duties/Supp | | | | | | | | | | | | |
| <input type="checkbox"/> Objections | | | | | | | | | | | | |
| <input type="checkbox"/> Video Receipt | | | | | | | | | | | | |
| <input type="checkbox"/> CI Report | | | | | | | | | | | | |
| <input type="checkbox"/> 9202 | | | | | | | | | | | | |
| <input type="checkbox"/> Order | x | | | | | | | | | | | |
| <input type="checkbox"/> Aff. Posting | | | | | | | | | | | | |
| <input type="checkbox"/> Status Rpt | | | | | | | | | | | | |
| <input type="checkbox"/> UCCJEA | | | | | | | | | | | | |
| <input type="checkbox"/> Citation | | | | | | | | | | | | |
| <input type="checkbox"/> FTB Notice | | | | | | | | | | | | |

| | | |
|------------|---------------|--|
| | | NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR.</u> Biennial Status Report of Conservators, Petitioner for Authority to Pay Attorneys' Fees, and Withdrawal of Funds from Blocked Account and Budget filed 09/23/2014. HEARING IS SET FOR 10/28/2014. |
| | | |
| | | |
| | | |
| | | |
| Cont. from | | |
| | Aff.Sub.Wit. | |
| | Verified | |
| | Inventory | |
| | PTC | |
| | Not.Cred. | |
| | Notice of Hrg | |
| | Aff.Mail | |
| | Aff.Pub. | |
| | Sp.Ntc. | |
| | Pers.Serv. | |
| | Conf. Screen | |
| | Letters | |
| | Duties/Supp | |
| | Objections | |
| | Video Receipt | |
| | CI Report | |
| | 9202 | |
| | Order | |
| | Aff. Posting | |
| | Status Rpt | |
| | UCCJEA | |
| | Citation | |
| | FTB Notice | |
| | | Reviewed by: LV Reviewed on: 10/06/2014 Updates: Recommendation: File 11 - Miller |

Status Hearing Re: Filing of the Inventory and Appraisal

| | | |
|---|---|---|
| DOD: 02/21/2014 | J. CHARLES HOWE , son was appointed Administrator with full IAEA without bond on 05/08/2014. | NEEDS/PROBLEMS/COMMENTS: 1. Need Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties. |
| | Letters issued 05/12/2014 | |
| Cont. from | Minute Order of 05/08/2014 set this Status Hearing for the filing of the Inventory and Appraisal. | |
| <input type="checkbox"/> Aff.Sub.Wit. | | |
| <input type="checkbox"/> Verified | | |
| <input type="checkbox"/> Inventory | | |
| <input type="checkbox"/> PTC | | |
| <input type="checkbox"/> Not.Cred. | | |
| <input type="checkbox"/> Notice of Hrg | | |
| <input type="checkbox"/> Aff.Mail | | |
| <input type="checkbox"/> Aff.Pub. | | |
| <input type="checkbox"/> Sp.Ntc. | | |
| <input type="checkbox"/> Pers.Serv. | | |
| <input type="checkbox"/> Conf. Screen | | |
| <input type="checkbox"/> Letters | | |
| <input type="checkbox"/> Duties/Supp | | |
| <input type="checkbox"/> Objections | | |
| <input type="checkbox"/> Video Receipt | | |
| <input type="checkbox"/> CI Report | | |
| <input type="checkbox"/> 9202 | | |
| <input type="checkbox"/> Order | | |
| <input type="checkbox"/> Aff. Posting | | |
| <input type="checkbox"/> Status Rpt | | |
| <input type="checkbox"/> UCCJEA | | |
| <input type="checkbox"/> Citation | | |
| <input type="checkbox"/> FTB Notice | | |
| | | Reviewed by: LV |
| | | Reviewed on: 10/06/2014 |
| | | Updates: |
| | | Recommendation: |
| | | File 12 - Beard |

| | | |
|-----------------|--|---|
| Age: 15 | | NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR.</u> <u>RECEIPT FOR BLOCKED</u> <u>ACCOUNT FILED 10/02/2014.</u> |
| DOB: 02/09/1999 | | |
| | | |
| | | |
| | | |
| | | |
| Cont. from | | |
| Aff.Sub.Wit. | | |
| Verified | | |
| Inventory | | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| | | Reviewed by: LV |
| | | Reviewed on: 10/06/2014 |
| | | Updates: |
| | | Recommendation: |
| | | File 13 - Bennett |

| | | | |
|-----------------|--|--|--------------------------|
| AGE: 14 | | | NEEDS/PROBLEMS/COMMENTS: |
| DOB: 09/12/2000 | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| Cont. from | | | |
| Aff.Sub.Wit. | | | |
| Verified | | | |
| Inventory | | | |
| PTC | | | |
| Not.Cred. | | | |
| Notice of Hrg | | | |
| Aff.Mail | | | |
| Aff.Pub. | | | |
| Sp.Ntc. | | | |
| Pers.Serv. | | | |
| Conf. Screen | | | |
| Letters | | | |
| Duties/Supp | | | |
| Objections | | | |
| Video Receipt | | | |
| CI Report | | | |
| 9202 | | | |
| Order | | | |
| Aff. Posting | | | |
| Status Rpt | | | |
| UCCJEA | | | |
| Citation | | | |
| FTB Notice | | | |
| | | <u>OFF CALENDAR.</u> <u>RECEIPT FOR BLOCKED</u> <u>ACCOUNT FILED 10/02/2014.</u> | |
| | | Reviewed by: LV | |
| | | Reviewed on: 10/06/2014 | |
| | | Updates: | |
| | | Recommendation: | |
| | | File 14 - Bennett | |

Status Hearing for Failure to Have Letters Issue

| | | |
|--|---|---|
| Age: 74 | <p>WAYNE L. BANDY, spouse, ARTHUR OSTRANDER, friend (CPA), and TERRY NOVAK, friend (Caregiver), were appointed as Co-Conservators of the Person and Estate with independent powers under Probate Code §2590, without bond.</p> <p>Letters have not issued.</p> <p>Notice of Status Hearing was filed 09/03/2014.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Letters to issue or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p> |
| Cont. from | | |
| Aff.Sub.Wit. | | |
| Verified | | |
| Inventory | | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| <p>Reviewed by: LV</p> <p>Reviewed on: 10/06/2014</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 - Bandy</p> | | |

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

| | | | | |
|--------------------------------|----------------------|--|--|--|
| Age: 11 years | | Temporary Expires 10/08/2014 | | NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice for: <ul style="list-style-type: none"> Maternal Grandfather (Unknown) – Unless the Court dispenses with Notice. Note: Declaration of Due Diligence simply states “unknown.” <ul style="list-style-type: none"> Deborah Blakely (Maternal Grandmother) – Unless the Court dispenses with notice. Note: Declaration of Due Diligence states that the petitioner only met the maternal grandmother once and her whereabouts are unknown. |
| | | DEBRA DELANEY , paternal grandmother, is petitioner. | | |
| | | Father: TODD DELANY – consents and waives notice. | | |
| Cont. from | | Mother: MEGAN BLAKELY – Court dispensed with notice pursuant to minute order of 08/18/2014 | | |
| | Aff.Sub.Wit. | | | |
| ✓ | Verified | | | |
| | Inventory | | | |
| | PTC | | | |
| | Not.Cred. | | | |
| | Notice of Hrg | x | | |
| | Aff.Mail | x | | |
| | Aff.Pub. | | | |
| | Sp.Ntc. | | | |
| | Pers.Serv. | n/a | | |
| ✓ | Conf. Screen | | | |
| ✓ | Letters | | | |
| ✓ | Duties/Supp | | | |
| | Objections | | | |
| | Video Receipt | | | |
| ✓ | CI Report | | | |
| | 9202 | | | |
| ✓ | Order | | | |
| | Aff. Posting | | | |
| | Status Rpt | | | |
| ✓ | UCCJEA | | | |
| | Citation | | | |
| | FTB Notice | | | |
| | | Petitioner states mom is on drugs and homeless. The child has lived with her since July 2013. Mom is calling child, wants to take the child but the child does not want to go with her. | | |
| | | Attached to the petition is the CPS Team Decision Making Meeting Summary which indicates that the child should be placed with the petitioner. | | |
| | | Also attached to the petition are letters in support of the petition for guardianship from various individuals including the minor and the father. | | |
| | | Court Investigator Anita Morris' report filed 09/15/2014. | | |
| Reviewed by: LV | | | | |
| Reviewed on: 10/06/2014 | | | | |
| Updates: | | | | |
| Recommendation: | | | | |
| File 16 - Blakely | | | | |

Pro Per Wynn, Kathleen Marie (Pro Per Movant, daughter)

**Notice of Motion and Motion to Set Aside the Dismissal and to Accept
Amended Petition for Probate of Will and for Letters Testamentary**

| | | |
|-----------------------|---|---|
| DOD: 7/22/2013 | KATHLEEN MARIE WYNN , daughter, is Movant. | NEEDS/PROBLEMS/COMMENTS: Note: Minute Order dated 8/13/2014 [Judge Smith] states: No appearances. Petition is denied and dismissed without prejudice. Note: The hearing set for 10/8/2014 is for the Petitioner's motion, not for the Petitioner's amended petition. Cursory review of the amended petition attached to Petitioner's motion indicates that the amended petition contains several significant defects which must be addressed prior to the Court properly granting the amended petition, including, but not limited to, the deposit of the Decedent's original Will with the Court, newspaper publication of the hearing date for the amended petition, and service of notice of hearing to estate heirs and to the beneficiaries of THE MORSE TRUST dated 3/3/2006 , which is the residual beneficiary of the Decedent's Will. Petitioner must separately file her amended petition with the Court, at which time a new hearing date will be given for use in serving notice, and the amended petition will then be reviewed by the Court with notes prepared prior to the new hearing. |
| Cont. from | Movant states she will be asking the Court for an Order granting the relief as requested in the Motion to Set Aside pursuant to Code of Civil Procedure § 473, based upon one or more of the following grounds: <ul style="list-style-type: none"> • Mistake; • Inadvertence. Motion is based upon the Memorandum of Points and Authorities and the Declaration of Kathleen M. Wynn, and on all the pleadings, records and files in this action. | |
| Aff.Sub.Wit. | Declaration of Respondent Kathleen Wynn states: <ul style="list-style-type: none"> • In the present case the Petitioner was preparing an amended petition which was to be filed prior to the 9/11/2014 hearing; • Petitioner requests that the Court accept this amended petition and asks that the Court issue Letters Testamentary in accordance with this Amended Petition (please see Attachment A); • On 7/30/2014, this matter came before this Court; the Court required corrections and continued the hearing [to 8/13/2014]; • She believed the continued date was set for 9/11/2014, and only recently found out that the hearing was actually scheduled for 8/13/2014; • On 8/13/2014, she failed to attend the hearing by mistake, and therefore the Court dismissed this matter without prejudice; • She is requesting that the Court set aside the dismissal and issue Letters Testamentary as the Amended Petition; • In the Amended Petition she requests to be the executor of her late mother's estate as per her Will (attached as Exhibit B); • She is requesting that she be allowed to sell her mother's home, and that the assets of the estate be divided as per her mother's Will and Trust. Memorandum of Points and Authorities attached. | |
| Verified | | |
| Inventory | | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/S | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |

Reviewed by: LEG

Reviewed on: 10/6/14

Updates:

Recommendation:

File 17 - Morse

Amended Petition to Determine Succession to Real Property

| | | |
|--|--|---|
| DOD: 04/30/2014 | MONICA MELINDA ROMERO , relationship not stated, is Petitioner. | NEEDS/PROBLEMS/COMMENTS: The deficiencies with the pleadings include, but are not limited to, the following: 1. This petition was filed with a fee waiver; however, if granted, assets valued at \$75,000.00 will be distributed. Therefore, the filing fee of \$435.00 is due prior to any order for distribution. 2. Attachment 11 does not provide the decedent's interest in the real property. 3. Need Attachment 14 which lists all intestate heirs. 4. #13 of the petition is incomplete therefore it is unclear what the specific property interest is being claimed by the petitioner. 5. Order is incomplete. Need new order. |
| | 40 days since DOD | |
| | No other proceedings | |
| Cont. from | | |
| <input type="checkbox"/> Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> Verified | I&A: \$75,000.00 (real property located at 3744 E. Clay Ave., Fresno) | |
| <input checked="" type="checkbox"/> Inventory | | |
| <input type="checkbox"/> PTC | Decedent died intestate | |
| <input type="checkbox"/> Not.Cred. | Petitioner requests ???? | |
| <input type="checkbox"/> Notice of Hrg | x | |
| <input type="checkbox"/> Aff.Mail | x | |
| <input type="checkbox"/> Aff.Pub. | | |
| <input type="checkbox"/> Sp.Ntc. | | |
| <input type="checkbox"/> Pers.Serv. | | |
| <input type="checkbox"/> Conf. Screen | | |
| <input type="checkbox"/> Letters | | |
| <input type="checkbox"/> Duties/Supp | | |
| <input type="checkbox"/> Objections | | |
| <input type="checkbox"/> Video Receipt | | |
| <input type="checkbox"/> CI Report | | |
| <input type="checkbox"/> 9202 | | |
| <input checked="" type="checkbox"/> Order | | |
| <input type="checkbox"/> Aff. Posting | | |
| <input type="checkbox"/> Status Rpt | | |
| <input type="checkbox"/> UCCJEA | | |
| <input type="checkbox"/> Citation | | |
| <input type="checkbox"/> FTB Notice | | |
| | | Reviewed by: LV |
| | | Reviewed on: 10/07/2014 |
| | | Updates: |
| | | Recommendation: |
| | | File 18 - Valdez |

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

| | | | | | | | |
|---|----------------------|--|--|--------------------------------|-----------------|------------------------|------------------------|
| Age: 1 | | <p align="center"><u>NO TEMPORARY REQUESTED</u></p> <p>MARISELA CORONA, maternal grandmother, is petitioner.</p> <p>Father: JOSE ELIAS LOPEZ, Declaration of Due Diligence filed 10/03/2014</p> <p>Mother: MARITZA ESPARZA, Consents and Waives Notice</p> <p>Paternal Grandparents: Unknown</p> <p>Maternal Grandfather: Bernardo Iribé, Consents and Waives Notice</p> <p>Petitioner states: the mother of the child is a drug addict and the father is out of the country. The mother has been in and out of rehab yet she continues to use. She helps in no way to provide for her child care of supervision. When she is home she does not pay attention to the child. Petitioner believes that she is the best guardian for the child.</p> <p>Court Investigator Charlotte Bien's report filed 09/19/2014.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need Notice of Hearing. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Jose Elias Lopez (Father) – Unless the Court dispenses with Notice. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Paternal Grandparents (Unknown) <p>Note: Declaration of Due Diligence filed 10/03/2014 is incomplete. It is missing page two of the document which provides information as to the efforts the petitioner put forth to locate the individual. Page one states that the father and the paternal grandparents are unknown.</p> | | | | |
| | | | | | | | |
| | | | | | | | |
| Cont. from | | | | | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | | | | | |
| <input checked="" type="checkbox"/> | Verified | | | | | | |
| <input type="checkbox"/> | Inventory | | | | | | |
| <input type="checkbox"/> | PTC | | | | | | |
| <input type="checkbox"/> | Not.Cred. | | | | | | |
| <input type="checkbox"/> | Notice of Hrg | | | x | | | |
| <input type="checkbox"/> | Aff.Mail | | | x | | | |
| <input type="checkbox"/> | Aff.Pub. | | | | | | |
| <input type="checkbox"/> | Sp.Ntc. | | | | | | |
| <input type="checkbox"/> | Pers.Serv. | | | x | | | |
| <input checked="" type="checkbox"/> | Conf. Screen | | | | | | |
| <input checked="" type="checkbox"/> | Letters | | | | | | |
| <input checked="" type="checkbox"/> | Duties/Supp | | | | | | |
| <input type="checkbox"/> | Objections | | | | | | |
| <input type="checkbox"/> | Video Receipt | | | | | | |
| <input checked="" type="checkbox"/> | CI Report | | | | | | |
| <input type="checkbox"/> | 9202 | | | | | | |
| <input checked="" type="checkbox"/> | Order | | | | | | |
| <input type="checkbox"/> | Aff. Posting | | | | | | |
| <input type="checkbox"/> | Status Rpt | | | | | | |
| <input checked="" type="checkbox"/> | UCCJEA | | | | | | |
| <input type="checkbox"/> | Citation | | | | | | |
| <input type="checkbox"/> | FTB Notice | | | | | | |
| <table border="1"> <tr> <td>Reviewed by: LV</td> </tr> <tr> <td>Reviewed on: 10/07/2014</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 19 - Iribé</td> </tr> </table> | | | Reviewed by: LV | Reviewed on: 10/07/2014 | Updates: | Recommendation: | File 19 - Iribé |
| Reviewed by: LV | | | | | | | |
| Reviewed on: 10/07/2014 | | | | | | | |
| Updates: | | | | | | | |
| Recommendation: | | | | | | | |
| File 19 - Iribé | | | | | | | |

Petition for Appointment of Temporary Conservator of the Person

| | | | |
|---|--|--|--|
| Mariam Age: 17 Monay Age: 17 Cont. from <input type="checkbox"/> Aff.Sub.Wit. <input checked="" type="checkbox"/> Verified <input type="checkbox"/> Inventory <input type="checkbox"/> PTC <input type="checkbox"/> Not.Cred. <input checked="" type="checkbox"/> Notice of Hrg <input type="checkbox"/> Aff.Mail n/a <input type="checkbox"/> Aff.Pub. <input type="checkbox"/> Sp.Ntc. <input checked="" type="checkbox"/> Pers.Serv. w/ <input checked="" type="checkbox"/> Conf. Screen <input checked="" type="checkbox"/> Letters <input checked="" type="checkbox"/> Duties/Supp <input type="checkbox"/> Objections <input type="checkbox"/> Video Receipt <input type="checkbox"/> CI Report <input type="checkbox"/> 9202 <input checked="" type="checkbox"/> Order <input type="checkbox"/> Aff. Posting <input type="checkbox"/> Status Rpt <input checked="" type="checkbox"/> UCCJEA <input type="checkbox"/> Citation <input type="checkbox"/> FTB Notice | | <u>TEMPORARY GRANTED EX PARTE EXPIRES</u> <u>10/08/2014</u> <u>GENERAL HEARING 12/02/2014</u> RAMONA ESTHER RUBIO , maternal grandmother, is petitioner. Father: GILBERT SEBASTIAN PEREZ , Declaration of Due Diligence filed 09/30/2014 Mother: DENISE I. TOBON , Consents and Waives Notice Paternal Grandparents: Not Listed Maternal Grandparents: Not Listed Minors: Mariam Tobon, Monay Tobon, Consent and Waive Notice Petitioner states: guardianship is necessary because of the mother's continued drug use. CPS recommended that the petitioner seek guardianship because mother has failed to comply with CPS service action plan to test for drugs with the probation office. Attached to the Petition is the CPS/DSS Team Decision Making Report which states that the children shall reside with the petitioner. | NEEDS/PROBLEMS/COMMENTS: 1. Need proof of personal service five (5) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Temporary Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Gilbert Sebastian Perez (Father) – Unless the Court dispenses with notice. Note: Declaration of Due Diligence states that the mother has not had a relationship with the father since that one night she met him 17 years ago. 2. Page #5 of the Guardianship Petition – Child Information Attachment (GC 210(CA)) which pertains to whether the children have Native American Ancestry was not completed. Need declaration with page #5 attached. |
| | | Reviewed by: LV Reviewed on: 10/06/2014 Updates: Recommendation: File 21 - Tobon | |

Petition Concerning Internal Affairs of Trust - Appointment of Successor Trustee

| | | | |
|-------------------------------------|----------------------|---|--|
| | | PENNY AARONIAN , wife of Randy Aaronian, a cousin of Richard Boghosian, who is one of the beneficiaries of the RICHARD BOGHOSIAN TRUST , is Petitioner. | NEEDS/PROBLEMS/COMMENTS: 1. Order Shortening Time was signed on 10/2/14 allowing this petition to be heard on 10/8/14. The order does not waive notice of the hearing nor does it shorten time for notice. Therefore need Notice of Hearing with proof of service on Richard Boghosian, Bruce Bickel and Richard Garabedian. 2. It appears that Petitioner Penny Aaronian does not have standing to bring this petition. Probate Code §17200 states a trustee or a beneficiary of a trust may petition under this chapter concerning the internal affairs of the trust. Petitioner is not the trustee nor is she a beneficiary of the trust. 3. Probate Code §15602 requires a bond be required for any individual not named in the trust instrument. The Court may not excuse the requirement of a bond except under compelling circumstances. Please see additional page |
| Cont. from | | Petitioner states the trust was established by Richard Baghosian ("Richard") by a Declaration executed on 7/29/2004. | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | |
| <input type="checkbox"/> | Verified | | |
| <input checked="" type="checkbox"/> | Inventory | BRUCE BICKEL ("Bickel") is designated as the original trustee of the Trust. | |
| <input type="checkbox"/> | PTC | | |
| <input type="checkbox"/> | Not.Cred. | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | On 11/4/2005, a "First Amended and Complete Restatement of Declaration of Trust of Richard Boghosian" ("First Amended Trust Declaration") was prepared and executed by Richard as trustor and Bickel as trustee. | |
| <input checked="" type="checkbox"/> | Aff.Mail | | |
| <input type="checkbox"/> | Aff.Pub. | | |
| <input type="checkbox"/> | Sp.Ntc. | | |
| <input type="checkbox"/> | Pers.Serv. | On 11/29/2007, a "Second Amended and Complete Restatement of Declaration of Trust of Richard Boghosian" ("Second Amended Trust Declaration") was prepared and executed by Richard as trustor and Bickel as trustee. | |
| <input type="checkbox"/> | Conf. Screen | | |
| <input type="checkbox"/> | Letters | | |
| <input type="checkbox"/> | Duties/Supp | Article Ten, Paragraph A of the Trust Declaration provides that if Bickel fails to act as trustee, then DALE GARABEDIAN ("Garabedian") shall act as trustee. | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | |
| <input type="checkbox"/> | CI Report | | |
| <input type="checkbox"/> | 9202 | | |
| <input type="checkbox"/> | Order | Article Ten, Paragraph A provides that any trustee may resign at any time. Due to a Dispute that has arisen between Richard and Bickel, Bickel provided notice on 9/11/14, of his resignation as trustee of the Trust, effective 10/15/14. | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |

Please see additional page

Reviewed by: KT

Reviewed on: 10/7/14

Updates:

Recommendation:

File 22 - Boghosian

Due to some conflicts of interest that have arisen in the dispute between Richard and Bickel, Garabedian has declined to act as trustee.

Randy M. Aaronian, cousin to Richard, has offered to serve as successor trustee, however due to his appointment as Guardian Ad Litem for Richard in the dispute between Richard and Bickel, it was decided that this would result in a conflict of interest and Mr. Aaronian's wife, Petitioner herein, has offered to serve as successor trustee.

The Office of Successor Trustee will be vacant as of 10/15/14. Pursuant to the circumstances as provided in this petition, Petitioner seeks this Court's order appointing the Petitioner as Successor Trustee, without bond, with all the powers granted to Petitioner under the Trust Declaration to carry out the purpose of the Trust.

Petitioner prays that:

1. The Court finds that all notices required by law have been given;
2. The Court find that Bickel has resigned as trustee of the Trust;
3. The Court find that Garabedian has declined to serve as successor trustee;
4. The Court find that Petitioner, Penny Aaronian, is willing and able to perform the duties and responsibilities as successor trustee, and, accordingly, is appointed successor trustee of the RICHARD BOGHOSIAN TRUST, established July 29, 2004, without bond, and with all the powers under the Trust Declaration to carry out the purpose of the trust.

NEEDS/PROBLEMS/COMMENTS (Continued):

4. Petition does not include copies of the First Amended Trust Declaration or the Second Amended Trust Declaration.
5. The file contains a letter from Tracy S. Regli indicating that Bruce Bickel was providing notice of his intent to resign as trustee effective October 15, 2014. However an actual resignation signed by Bruce Bickel has not been provided to the Court.
6. The file contains a letter written by Attorney Farley to Stephen T. Clifford indicating that Mr. Clifford had indicated that the declination of Dale Garabedian had been obtained but that to date they have not received it. In addition there is a letter from Attorney Robyn Esraelian indicating she obtained the declination from Dale Garabedian. Need Declination of Dale Garabedian.
7. Need Order.